

DIST/OFFICE	DOCKET YR.	NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	DEMAND \$	OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR.	NUMBER
1085/4	76	0374	07 09 76	2	890	1					8510 8509	P	76	0374-B

PLAINTIFFS

DEFENDANTS

Cons/with
75-C-216-C

CITY OF FULTON, MISSOURI
City Hall
4th & Market
Fulton, Missouri 65201

CECIL D. ANDRUS,
~~THOMAS S. KEEPEX~~, Individually
and as Secretary of the
Interior, Department of the
Interior, Washington, D.C.,
and JAMES B. HAMMETT,
~~PETER C. KING~~, Individually and
as Administrator, Southwestern
Power Administration, P. O.
Drawer 1619, Tulsa, Oklahoma
74101

CAUSE

Section 5, Flood Control Act of 1944, 16 U.S.C. 825s and Administrative
Procedure Act, 5 U.S.C. 551, et. seq. Plaintiff alleges violation of its
statutory preference right to firm electric power as mandated by Section 5
of the Flood Control Act.

ATTORNEYS

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Robert P. Santee, Assty. U. S. Atty.

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD

DATE MAILED

JS-5

8-1-76

JS-6

6-1-77

DATE	NR.	PROCEEDINGS
1976		
7-9	1.	Complaint filed, summons issued.s <u>JURY TRIAL DEMANDED.</u>
7-14	MO	Case transferred to Judge H. Dale Cook. (AEB-J)k ltr to pltf. adm. SW Power Adm.,
7-14	--	Summons, ret & filed: Served Peter C. King/at Tulsa, OK, on 7-14-76; served Peter C. King, individually at Tulsa, OK, on 7-14-76; served USA-1 copy to US Atty, Tulsa, OK, 2 copies US Atty Gen by cert. mail; served Thomas S. Kleppe, Sec. of Interior by serving Thomas S. Kelp, served by cert mail, at Washington, D.C. on 7-12-76; served Thomas S. Kleppe, individually by cert. mail at Washington, D.C., on 7-12-76. (USM \$15.00)ph
8-20	2.	Defts' motion for consolidation with case no. 75-C-216-C, filed.k
8-20	MO	It is ordered by the Court that the pltf. file a responsive brief w/in ten days to respond to the defts' motion to consolidate case with case no. 75-C-216-C. (HDC-J)k cps mld
8-26	3.	Pltf's motion for enlargement of time to resp. to the defts' mo/consol., filed. ph
8-26	MO:	Upon motion of pltf. for ext. of time to file resp. to mo/consolidation, motion is hereby granted & pltf. is granted until 9-9-76 to file resp. to said motion. (HDC-J)ph ltr. mld.
8-26	4.	Pltf's motion for TRO and Preliminary injunction, filed. ph TRO to J
8-26	5.	Brief in support of pltf's motion for preliminary injunction and TRO, filed. ph
8-31	6.	TRO, filed, and preliminary inj. is set for hearing at 1:30 p.m. on 9-10-76. (HDC-J)ph cps mld & parties called.
9-9	7.	Defts' memo. in opposition to pltf's motion for Prel. Inj., filed. ph obo J
9-9	8.	Defts. answer, filed.s
9-10	9.	Answer of pltf. in opposition to def. mo/consolidate, filed.rm
9-10	MO:	Case called for/evidentiary hearing on pltf's motion for preliminary injunction. Parties represented. Statements made. Parties present testimony with witnesses & introduction of exhibits. Pltf. counsel announces he has no objection to consolidation of this case with 75-C-216. Court orders two cases to be consolidated for PT and trial. Court makes findings and states that pltf. has failed to show irreparable injury; that defts' injury could be greater than that suffered by pltf; that at this time the Court does not find that pltf. will prevail on the merits; that the public interest prevails at this time; & therefore denies the pltf's motion for preliminary injunction. Consolidated cases set for PT hearing 11-4-76 at 1:00 p.m. and set for N/J trial 1-4-77 at 9:30 a.m. (HDC-J)hm
5-2-77	10.	Order Dismissing Proceedings, filed & entered, that these proceedings are hereby dismissed, w/prejudice; & the escrow fund in this proceedings be, & same hereby is paid over to Deft. Southwestern Power Adminis., as provided in the Stipulation; & the City of Lamar shall pay the additional sums set forth in Stipulation to the Southwestern Power Admin., in accordance with the provisions of that Stipulation. (HDC-J) b cps mld
1980		
8-7	--	EXHIBIT returned to pltf. counsel. hm